

NATIONAL CONTROL OF LEPROSY.

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FROM

THE MEDICAL NEWS,

June 16, 1894.

[Reprinted from THE MEDICAL NEWS, June 16, 1894.]

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In the few minutes allotted to me I propose to discuss the relations of the National Government to the subject of the control of leprosy.

In October, 1889, the American Public Health Association, at its meeting in Brooklyn, passed a resolution calling upon the Marine-Hospital Service and the State Board of Health of Florida, and all quarantine-commissioners of ports having intercourse with Cuban ports, to exercise the same vigilance with regard to leprosy that is already observed in the case of yellow fever during what is known as the quarantine-period. In accordance with this request, a circular was issued by the Surgeon General of the Marine-Hospital Service, approved by the Secretary of the Treasury and the President, December 23, 1889, forbidding entry of any vessel to any port of the United States without a certificate from the proper officer that no case of leprosy was found on board said vessel, or in case one had been found, that it had been removed from the vessel and detained at

¹ Delivered before the Congress of American Physicians and Surgeons, Washington, D. C., May 30, 1894, under direction of the American Dermatological Association.

the quarantine-station ; with a further provision permitting the departure of the detained leper on outgoing vessels bound to the foreign country from which the leper last sailed.

The new Quarantine Regulations of the Treasury, promulgated April 26, 1894, provide as follows :

“ Vessels arriving at quarantine with leprosy on board shall not be granted pratique until the leper with his or her baggage has been removed from the vessel to the quarantine-station.

“ No case of leprosy will be landed.

“ If the leper is an alien passenger, and the vessel is from a foreign port, action will be taken as provided by the immigration laws and regulations of the United States.

“ If the leper is an alien, and a member of the crew, and the vessel is from a foreign port, said leper shall be detained at the quarantine at the vessel's expense until taken aboard by the same vessel when outward bound.”

Furthermore, the immigration-law of the United States, providing for the medical inspection of immigrants, forbids the landing of immigrants afflicted with a loathsome or contagious disease, thus furnishing an additional protection against the importation of cases of leprosy. These laws and regulations have, in a measure at least, been effective. I am informed by the Sanitary Inspector stationed at Havana that several persons afflicted with leprosy desiring to immigrate to Florida have been debarred from so doing by reason of these restrictions.

National control of leprosy *within* the United States has been frequently advocated, particularly

by State and municipal boards of health, when finding such cases upon their hands and desirous of being relieved of their care. The arguments for such control, of course, are based upon the presumption of the contagiousness of the disease (even though moderately contagious) and also upon the claim that where no segregation of cases, or no supervision of cases not colonized is enforced, the disease gradually increases in prevalence, and that where segregation or colonization has been enforced the disease has been made to disappear.

One reason alleged for a national establishment is the fact that in some States the disease is of so rare occurrence that the erection of a special hospital or place of confinement for lepers is scarcely justified, and it is desirable, therefore, that there should be established an asylum to which any of the States might send these unusual but highly objectionable patients. It is further urged that by reason of the difficulty of properly caring for lepers, and because of the uneasiness and excitement that would prevail in cities or localities should the presence of a leper be announced, the health-authorities themselves are tempted to conceal the cases from the knowledge of the public. Thus, if there is anything in the doctrine of contagiousness whatever, the local authorities themselves may directly aid in the extension of the disease. If a national asylum were provided there would be no motive for concealment. Granted that the danger of contagion is small ; granted that, in the language of another, a case of leprosy within a family should be regarded with less concern in its relation to the

health of the remaining members than a case of tuberculosis ; granted that the disease spreads chiefly among the lower classes, nevertheless in the movement which is now only near the starting-point, but which promises to be a controlling movement, and which will mark the close of the present century and the beginning of the next, so far as medical science is concerned, as distinctly as any other evidence of progress in the healing art (I refer to the settled resolution to exterminate every contagious disease), it would appear to be incumbent on the profession to leave nothing undone to exterminate this, together with other communicable diseases.

Now, with regard to national control, there are two considerations involved. *First* : Does the *right* of national control exist? *Second* : If it does, how may that right be best exercised?

Concerning the first consideration, I find a difference of opinion among eminent men with whom I have conversed, based upon their different views regarding the Constitution of the United States.

A strict constructionist will inform you that the United States Government can only legislate in accordance with powers expressly delegated by the Constitution, and that the general-welfare clause of the Constitution applies as a qualifying clause to the specified prerogatives—that the latter are only granted when necessary for the general welfare.

The States, however, may make any laws which are not forbidden by the Constitution of the United States. This view would discourage the attempt to establish a national leper-hospital by the General

Government, but it is claimed that the end might be met by one State establishing a hospital and being willing to receive into it the lepers consigned from other States, their expenses being paid by the latter, as has been done in a number of instances with regard to jails and penitentiaries.

Those who take a different view of the Constitution assert that it is quite within the province of Congress to appropriate a sufficient sum to establish a national leper-hospital, though the necessity for it must be plainly shown. They call attention to laws already passed to which objections similar to those mentioned above were urged.

An outline of a bill for this purpose might be stated as follows :

An Act appropriating a sufficient sum to establish a national leper-hospital, and authorizing the national officer in charge thereof to receive, or to proceed and take possession of, a leprosy-patient upon the consent of the proper authority of the State. There should be a corresponding act passed by the Legislature of the State, conferring power upon some official—preferably the Governor, with the advice of the State Board of Health—to *respond* to such a requisition. It should be made the duty of the Government officer in charge of the institution, upon hearing of the presence of a leprosy patient, to request such authorities of the State as have been designated for that purpose by the Legislature, to turn over said patient to said officer, for the purpose of being transferred to said hospital; and the Congressional act should also provide that the officer in charge of the institution should make such regulations for the treatment and confinement of the patient as the nature of the case demands.

It will be observed that an act of this nature would still practically leave the determination of the

disposition of the patients within a State to the State itself, and leave to the discretion of the Governor and the State Board of Health whether in a given instance the leper should be segregated. The necessity of this discretion is evident from the fact that special circumstances might so surround a given patient as to make it cruel or unnecessary to remove him. At the same time it would provide for the proper removal and proper care of those who are not surrounded by such circumstances. To the objection that some States might fail to thus legislate or avail themselves of the privilege of a national institution, it may be urged that in this event the law of February 15, 1893, which permits the making of regulations to prevent the spread of contagious diseases from one State to another, could be brought into exercise to prevent lepers leaving such a State. It is believed that this State would in time have a physical demonstration of the necessity of taking advantage of the national institution or of making equal provision itself.

This is a brief outline, which it might be necessary to modify.

To determine whether such a bill would pass, it would be necessary to introduce it, but, as preliminary to its passage, its necessity would have to be demonstrated to Congress. For this purpose, and that Congress may be assured that the medical profession and sanitary officers had not acted upon insufficient premise, it is suggested that a leprosy-commission should be appointed, of three or five members, to make report upon the prevalence of

leprosy in the United States and the necessity and proper method of its control.

A preliminary bill might be introduced empowering the President to appoint such a commission; and, as the success of the bill would be enhanced if it called for no additional appropriation, there might be included a provision setting aside a portion of what is known as the "Epidemic Fund," to meet the expenses of this commission.

Whether a national leper-hospital would be the result of this action or not, a commission of this character would cause a sense of relief to the people of the United States, whatever its conclusions, either affirmative or negative, as to such establishment.

As for myself, I believe that leprosy should be under national control.